

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WISCONSIN**

MICHAEL KOZIARA, )  
v. )  
Plaintiff, ) Case No. 3:13-cv-00834  
BNSF RAILWAY COMPANY, ) Judge James D. Peterson  
Defendant. ) Mag. Judge Stephen L. Crocker

**DEFENDANT'S NOTICE OF APPEAL**

Notice is hereby given that BNSF Railway Company, Defendant in the above-named case, hereby appeals to the United States Court of Appeals for the Seventh Circuit from the Judgment entered in this action on the 11<sup>th</sup> day of March, 2015 and from the district court's action of February 16, 2016 denying a Renewed Motion For Judgment as a Matter of Law Pursuant to Rule 50(b) and, in the Alternative, for a New Trial or to Amend the Judgment Pursuant to Rule 59, as well as from the district court's action of January 9, 2015 granting in part Plaintiff's Motion for Summary Judgment and denying the Defendant's Motion for Summary Judgment.

Dated: March 15, 2016

Respectfully submitted,

*s/Bruce J. Douglas*

---

Bruce J. Douglas, MN #23966  
Colton D. Long, MN #0393240  
Ogletree, Deakins, Nash, Smoak & Stewart, P. C.  
Wells Fargo Center  
90 South Seventh Street, Suite 3800  
Minneapolis, MN 55402  
Telephone: 612.339.1818  
Email: bruce.douglas@ogletreedeakins.com  
colton.long@ogletreedeakins.com

Attorneys for Defendant  
BNSF Railway Company

20632876.3